

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

PUBLIC SERVANTS – MA&UD Department - Allegation of Corruption against Sri Shaik Mahaboob Subhani, Turn Cock, Macherla Municipality – Guntur District– Trapped on 11-11-2004 by Anti Corruption Bureau, - Prosecution – Criminal charge filed – Acquitted – Further action dropped – Orders – Issued.

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**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.IV) DEPARTMENT**

G.O. Rt. No 1612

Dated:14-12-2011

Read the following:

1. Proceedings Roc.No.1047/2004-C2, dated: 18-11-2004 of the Municipal Commissioner, Macherla Municipality, Guntur District.
2. From the Director –General, Anti corruption Bureau, Hyderabad, letter C.No.168/RCT-VGT/2004. dated: 29-10-2005.
3. Govt.Memo.No.22123/Vig.IV.1/2004-13:: Dated:14-05-2007
4. Proceedings No.1047/2004/C2, dated: 6-9-2006 of the Municipal Commissioner, Macherla Municipality, Guntur District.
5. Judgment dated: 20-07-2011 of the Court of Spl.Judge for ACB Cases, Vijayawada in CC No.29/2007, forwarded by the Director-General, Anti Corruption Bureau, Hyderabad vide Letter Rc.No.168/RCT-VGT/2004-S9, dated: 02-09-2011.

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O R D E R :-

Whereas, in the reference 1<sup>st</sup> read above, Sri Shaik Mohaboob Subhani, Turn Cock of Macherla Municipality was placed under suspension by the Competent authority, as the Accused Officer was trapped by Anti Corruption Bureau on 30-09-2002 on the allegation of demand and acceptance of bribe of Rs.6,000/- from the complainant, for doing official favour.

2. Whereas, in the reference 4<sup>th</sup> read above, sanction has been accorded for prosecuting Sri Shaik Mohaboob Subhani, Turn Cock of Macherla Municipality, in a Court of Law, on the above said allegation. A case in CC No.29/2007 has been registered in the Court of Special Judge for A.C.B. Cases, Visakhapatnam and charge sheet filed on 31-3-2007. In the reference 3<sup>rd</sup> read above, orders were issued revoking the suspension of the Accused Officer.

3. Whereas, the Director-General, Anti Corruption Bureau, Hyderabad in the reference 5<sup>th</sup> read above, has reported that the Hon'ble Court of Spl.Judge for A.C.B. Cases, Vijayawada, has pronounced the Judgment dated 20-07-2011 in C.C.No.29/2007, wherein Sri Shaik Mohaboob Subhani, Turn Cock of Macherla Municipality, Guntur District was found not guilty by the Trial Court and hence he was acquitted. He has also informed that there are no sufficient grounds to prefer an appeal against the orders of the Court before the High Court of A.P.

4. In the Judgement, the Special Judge for SPE& ACB Cases Vijayawada in C.C.No. 29/2007, while pronouncing the judgment has observed that there was no official work pending before the Accused Officer and the sanction obtained by the prosecution also not a legal sanction it is void abinitio and further failed to prove that the Accused Officer demanded and accepted the bribe amount from P.W.1. As per the evidence before the court to show that the Accused Officer received the tainted amount as per the serious command of Bhokya Dev.Singh, former Municipal Commissioner. Hence the prosecution failed to prove the case against the Accused Officer for the offence under Section 7 of P.C.Act., 1988 against Accused Officer beyond all reasonable doubt and found that the Accused Officer is not guilty for the offences punishable under Section 7 and 13 (1) (d) r/w . 13(2) of P.C.Act, 1988. In the result, the Accused Officer is acquitted under Section 248 (1) of Cr. P.C. for the offence punishable under Section 7 and 13 (1) (d) r/w 13(2) of P.C.Act, 1988.

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5. And whereas, after careful examination of the matter and in consultation with advisory authority, Government hereby drop further action against Sri Shaik Mohaboob Subhani, Turn Cock of Macherla Municipality from the Criminal Charge in C.C.No.29/2007 as he was acquitted by the Special Judge for S.P.E. & A.C.B. Cases at Visakhapatnam vide their Judgment dated: 20-07-2011 in C.C.No.29/2007.

6. The Director of Municipal Administration, Hyderabad shall take necessary action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.SAM BOB,  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Shaik Mohaboob Subhani, Turnk Cock, Macherla Municipality,  
Through: the Director of Municipal Administration, Hyderabad.  
the Director of Municipal Administration, Hyderabad.

Copy to

The Director of Anti-Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commissioner,

A.P.Vigilance Commission, Hyderabad

The Municipal Commissioner, Macherla Municipality, Guntur District.

SF/SCs.

**//FORWARDED// BY ORDER//**

**SECTION OFFICER**